

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED REGULATIONS - SHEEP AND GOATS

The Department of Food and Agriculture, Animal Health Branch, is proposing the following changes to Title 3 of the California Code of Regulations, to read as follows:

1) Repeal Section 760 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

~~Section 760. Sheep Scabies--Interstate Movement.~~

~~(a) Because sheep scabies continues to occur in other countries and could be reintroduced into the United States, all sheep brought into California may be required to be accompanied by a permit issued by the Division of Animal Industry, California Department of Food and Agriculture, and an official certificate issued by an inspector approved by the State Veterinarian of the state of origin certifying that the sheep are free of scabies and exposure thereto.~~

~~The permit may require sheep or goats to be dipped (once for sheep or goats consigned for immediate slaughter or twice for all other sheep or goats, ten to fourteen days apart) under official supervision. The dipping requirement will be based upon the recent occurrence of sheep scabies in the area~~

~~NOTE: Authority cited: Sections 407 and 9570, Agricultural Code. Reference: Section 9570, Food and Agricultural Code.~~

2) Repeal Article 3.5 and Section 765 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

~~Article 3.5. Restrictions on Movement of Sheep Within California~~

~~765. Scrapie Disease of Sheep Regulation.~~

~~(a) Definition of Terms. As used in this article:~~

~~(1) "Director." The Director of Agriculture of the State of California.~~

~~(2) "State Inspector." Any and all persons legally authorized to act or represent the State of California, Department of Agriculture.~~

~~(3) "Federal Inspector." Any and all persons legally authorized to act or represent the United States Department of Agriculture.~~

~~(4) "Livestock." All domestic animals of every kind and character including dogs, cats, other household pets, and rabbits.~~

~~(5) "Scrapie." An infectious and contagious disease of sheep caused by a filterable virus, and considered being detrimental to the welfare of the animal industry of California.~~

~~(6) "Sheep Products." Wool, sheep pelts, sheep fertilizer, sheep carcasses and parts or offal from sheep.~~

~~(7) "Quarantined Area." Those counties or parts of counties of the State enumerated in Section 765.1 of this article in which~~

~~(A) Scrapie exists or is known to have existed;~~

~~(B) Livestock have been exposed or liable to have been exposed to sheep affected with scrapie;~~

~~(C) Livestock are liable to transmit, carry or disseminate scrapie to sheep not so affected.~~

~~(b) Restrictions and Movements.~~

~~(1) To prevent the spread of scrapie, all sheep within a quarantined area shall be closely confined upon the owner's premises in such manner as may be required.~~

~~(2) No sheep or sheep products shall be moved from a quarantined area except under permit signed by a state inspector of the California Department of Food Agriculture. Sheep may be moved from a quarantined area only for immediate slaughter under federal or state meat inspection, and only providing same have been inspected prior to issuance of the permit and found by said state inspector to be apparently free from scrapie.~~

~~(3) Guards may be stationed in and about all quarantined areas to police the same, and to enforce this regulation.~~

~~(c) Destruction of Sheep to Prevent the Spread or Continuation of Scrapie. All sheep in a quarantined area infected with scrapie, or exposed thereto, or liable to have been exposed thereto, shall be destroyed in a manner prescribed by the director, and under the supervision of a state or federal inspector.~~

~~(d) Cleaning, Disinfecting and Testing.~~

~~(1) Any and all infected areas or parts or portions thereof as shall be deemed necessary shall be cleaned and disinfected and tested under the direction of a state or federal inspector before being released from quarantine.~~

~~(2) Any car, boat, truck, or other vehicle used for movement of sheep or for movement of sheep products from a quarantined area shall be cleaned and disinfected.~~

~~(3) The cleaning and disinfection required in this regulation shall be as specified by the director.~~

~~NOTE: Authority cited: Sections 407, 9561, 9562, 9564, 9565, 9568 and 9569, Food and Agricultural Code.~~

3) Amend Article 3 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Article 3. ~~Movements of Sheep into California~~ Interstate and Intrastate
Movement of Sheep and Goats

4) Adopt Sections 760, 760.1, 760.2, 760.3, 760.4, 760.5, 760.6, 760.7, 760.8 and 760.9 of Article 3, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 760. Definitions.

(a) As used in this article:

(1) "Accredited veterinarian" means a veterinarian approved by the Department and the United States Department of Agriculture (USDA) in accordance with the provisions in 9 CFR Part 161 (1/1/02 Edition).

(2) "Animal" means a sheep or goat.

(3) "Approved saleyard" means a premises approved by the Department and the USDA to handle sheep and goats for release only to recognized slaughter establishments or to a feedlot approved by the Department for feeding animals for the express purpose of improving the animals' condition for movement to slaughter.

(4) "Brucella ovis free flock" means a flock of sheep officially recognized by the state of origin as free of Brucella ovis.

(5) "Brucellosis" means the contagious, infectious, and communicable disease caused by bacteria of the genus Brucella.

(6) Brucellosis - "Official test for Brucella ovis" means a sample collected from a test eligible ram by a licensed accredited veterinarian and tested using an approved method at an approved laboratory. The individual identification of the ram tested must be recorded and accompany the sample to the laboratory.

(7) "Brucellosis test eligible ram" means any ram over six months of age.

(8) "Certificate of Veterinary Inspection" means a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form by an accredited veterinarian from the state of origin; or other inspection or movement document approved by the Department. A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

(9) "Direct movement to slaughter" means transported to a facility for slaughter, without stops or unloading except for feeding and watering during which the animals are not commingled with any other animals.

(10) "Flock" means a number of animals that are kept, fed and herded together having a single or multiple ownership. Changes in ownership of part or all of a flock do not change the identity of the flock. This term shall be interchangeable with the term herd and shall apply to purebred and commercial sheep or goats.

(11) "Interstate Livestock Entry Permit" means a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California. Interstate Livestock Entry Permits shall expire 15 days after issuance, unless a special entry permit has been issued for a different period.

(12) "Official certificate" means a Certificate of Veterinary Inspection, or other inspection or movement document approved by the Department, issued by a licensed accredited veterinarian at the point of origin prior to an interstate animal health movement into California.

(13) "Official identification" means identification mark or device approved by the Department and USDA.

(14) "Official eartag" means an identification eartag approved by the Department and USDA as sufficiently tamper-resistant for the intended use and providing unique identification for each animal. An official eartag may conform to the alphanumeric National Uniform Ear Tagging System or another system approved by the Department and USDA, or it may bear a premises identification number that either contains or is

used in conjunction with the producer's livestock production numbering system to provide a unique identification number.

(15) "Owner" means a person, partnership, company, corporation, or any other legal entity that has legal or rightful title to animals, whether or not they are subject to a mortgage.

(16) "Premises" means the ground, area, buildings, and equipment occupied by one or more flocks of animals.

(17) "Premises identification" means a Department and USDA approved method used to identify an animal back to the premises of the flock of origin.

(18) "Scrapie" means a transmissible spongiform encephalopathy that is a fatal, degenerative disease affecting the central nervous system of sheep and goats.

(19) "Scrapie consistent state" means a state that the Department and USDA recognize as having an effective scrapie control program.

(20) Scrapie - "Designated scrapie epidemiologist" means a state or federal veterinarian with knowledge of scrapie epidemiology, selected by state and federal veterinarians in charge with the concurrence of the USDA scrapie staff. The designated epidemiologist will coordinate and evaluate the Scrapie Eradication Program as assigned.

(21) "Scrapie Eradication Program" means the cooperative state and federal program administered by the USDA and Consistent States to control and eradicate scrapie.

(22) "Scrapie infected flock" means any flock in which a representative of the Department or USDA has determined that a scrapie-positive female animal has resided unless an epidemiological investigation conducted by a representative of the Department or USDA shows that the animal did not lamb or abort in the flock.

(23) "Scrapie low-risk commercial sheep and goats" means commercial whiteface, whiteface cross, or commercial hair sheep, and goats commingled with such sheep that would be low risk goats if they were not commingled with such sheep. Animals must be identified with official eartags, official tattoos, legible permanent brand or ear notch pattern registered with an official brand registry, or other methods approved by the Department. The flock must have no known risk factors for scrapie, including any exposure to female blackface sheep. Low-risk commercial sheep may only exist in

a state where scrapie has not been diagnosed in the previous 10 years in commercial whiteface, whiteface cross, or commercial hair sheep that were not commingled with female blackface sheep.

(24) “Scrapie low-risk goat” means a goat that is not scrapie-positive, suspect, has not been exposed to scrapie, has not commingled with sheep, and is from: a state in which scrapie has not been identified in a goat during the previous 10 years, or; a state in which scrapie has been identified in a goat during the previous 10 years, but the scrapie-positive goat was not born in the state, resided in the state for less than 72 months and did not kid while in the state, or; a state in which scrapie has been identified in a goat during the previous 10 years, and the scrapie-positive goat was commingled with sheep, but flock records allowed a complete epidemiological investigation to be completed and all resulting goat herds have completed the requirements of flock plans and are in compliance with post-exposure monitoring plans.

(25) “Scrapie non-compliant flock” means any flock whose owner fails to comply with the requirements of the Department or USDA for the control and eradication of scrapie.

(26) “Scrapie positive animal” means an animal for which a diagnosis of scrapie has been made by a laboratory approved by the Department and the USDA.

(27) “Scrapie source flock” means a flock in which an animal was born and subsequently diagnosed as scrapie-positive at an age of 72 months or less.

(28) “Scrapie suspect animal” means a sheep or goat suspected of having scrapie by an accredited veterinarian or a Department or USDA representative.

(29) “Slaughter channels” means any animal that is sold, transferred, or moved directly to a slaughter facility; or to an approved saleyard; or to an individual for custom slaughter; or for feeding for the express purpose of improving the animals’ condition for movement to slaughter. Sexually intact mature female animals kept in the same enclosure as breeding animals from another flock are not in slaughter channels.

(30) “USDA” means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.1. General Requirements.

(a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met.

(b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.

(c) Any person transporting animals into or within California shall produce any official documents required, including but not limited to, a Certificate of Veterinary Inspection with the Interstate Livestock Entry Permit number as required, with attachments, for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.2. Certificate of Veterinary Inspection.

(a) A Certificate of Veterinary Inspection shall include all of the following:

(1) Date of inspection;

(2) Number of animals in the consignment;

(3) Description of the animals including official identification number(s) or registration tattoos, species, breed, age, and sex;

(4) Information on the consignor, consignee, origin, and destination;

(5) Interstate livestock entry permit number;

(6) Statement of the purpose for which the animals are being moved;

(7) Any statement by the owner or accredited veterinarian at the point of origin that may be required.

(8) Signed by the accredited veterinarian who examined the animals in the shipment.

(b) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A-107, Sacramento, California 95814.

(c) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.

(d) As an alternative to official individual identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.

(e) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.

(f) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.3. Interstate Livestock Entry Permits.

(a) Interstate Livestock Entry Permits shall be obtained from the Animal Health Branch. Requests for entry permits may be made by telephone, electronic transmission, or other means accepted by the Department. Written application may be required when necessary to accomplish the purposes of this article.

(b) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.

(c) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.

(d) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:

(1) Name of the shipper or importer;

(2) Origin of the shipment;

(3) Description of the animals being imported, including, but not limited to, the number and type of animals shipped;

(4) Name and mailing address of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;

(5) Purpose of the importation;

(6) Name and telephone number of a contact person in California, if not the owner; name and telephone number of the person requesting the permit;

(7) Certificate of Veterinary Inspection number, if available;

(8) Name of the flock veterinarian, if available; and

(9) Entry requirements for the type of animals entering California.

(e) A separate Interstate Livestock Entry Permit is required for each shipment or part of a load.

(f) Requests for Interstate Livestock Entry Permits shall only be made before the animals are transported into California.

(g) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.

(h) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.4. Ovine Brucellosis - Requirements for Entry of Rams into California

(a) Brucellosis test eligible rams shall have the following:

(1) Individual identification with an official eartag or registration tattoo if accompanied by registration papers;

(2) A negative official test for Brucella ovis within 30 days before entry into California or be from a Brucella ovis free flock;

(3) A Certificate of Veterinary Inspection with official identification, test results, name of the approved laboratory, date of the test, or the "Brucella ovis free flock number" must be recorded on the form.

(b) Rams moving for grazing purposes, without change of ownership, are exempt from testing requirements.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.5. Scrapie - Requirements for Entry of Sheep and Goats into California.

(a) An Interstate Livestock Entry Permit is required for all animals imported into California except:

(1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant;

(2) Low risk goats.

(b) Official identification, in accordance with the methods and procedures in 9 CFR Part 79 (8/21/01 Edition), is required for all animals imported into California except:

(1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant;

(2) Low-risk goats;

(3) Castrated animals less than 18 months of age that are not for exhibition;

(4) Animals moving for grazing without change of ownership.

(c) A Certificate of Veterinary Inspection is required for all sexually intact breeding animals imported into California, and the owner shall include the following phrase on the certificate: "The animals are not scrapie-positive or suspect, or are from a non-compliant flock." The following animals are exempt from this requirement:

(1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant;

(2) Low-risk goats;

(3) Animals moving for grazing without change of ownership;

(4) Animals over 18 months of age in slaughter channels;

(5) Low risk commercial sheep, which require the following:

(A) A written statement containing the following phrase issued by the accredited veterinarian at the point where the animals originated, and dated within 12 months of the date of movement: “To the best of my knowledge, the flock has no known risk factors for or exposure to scrapie. I have inspected the flock and it does not contain any: animal exhibiting signs of scrapie, female blackfaced sheep or female blackfaced cross sheep that were not born in the flock.” The statement must include the owner’s name, address, and the official eartags, official tattoos, or premises identification number and a drawing of the owner’s registered brand or ear notch pattern if applicable; and,

(B) A written statement containing the following phrase by the owner within 30 days of the date of movement: “The animals were born in the flock and the flock does not contain any animal showing signs of scrapie. To the best of my knowledge, the flock has no risk factors for or exposure to scrapie, and the flock has never contained any: animal diagnosed as having scrapie, any female blackfaced sheep or any female blackface cross sheep that were not born in the flock.”

(d) All animals imported into California for exhibition require the following:

(1) Official identification, in accordance with the methods and procedures in 9 CFR Part 79 (8/21/01 Edition), shall be kept on the animals;

(2) Certificate of Veterinary Inspection;

(3) Interstate Livestock Entry Permit.

(e) Any animal that is scrapie positive, suspect, or may have been exposed to scrapie, or from a scrapie infected, source, or non-compliant flock, shall be evaluated on a case-by-case basis and may only be allowed entry into California with the approval of the designated scrapie epidemiologist.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.6. Scrapie - Intrastate Movement of Sheep and Goats

(a) Official identification, in accordance with the methods and procedures in 9 CFR Part 79 (8/21/01 Edition), is required for all animals changing ownership except:

(1) Lambs or kids less than 18 months of age in slaughter channels that have not lambed, kidded, aborted, or are pregnant;

(2) Low-risk goats;

(3) Castrated animals less than 18 months of age that are not for exhibition.

(b) Exhibition animals shall have official identification, in accordance with the methods and procedures in 9 CFR Part 79 (8/21/01 Edition), which shall be kept on the animals.

(c) Any animal that is scrapie positive or suspect may only be moved from one premises to another premises if the designated scrapie epidemiologist determines that such a move poses a minimum risk to other animals in California.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.7. Scabies - Requirements for Entry of Sheep and Goats into California.

(a) Pursuant to Food and Agricultural Code sections 9562 and 9570, the State Veterinarian may require persons importing animals into California to meet the following requirements to prevent the introduction or spread of scabies:

(1) A Certificate of Veterinary Inspection;

(2) An Interstate Livestock Entry Permit;

(3) Treat animals to prevent the spread of scabies.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.8. Records Retention.

(a) Each person who buys or sells, for his or her own account or as the agent of the buyer or seller, transports, receives for transport, offers for sale or transportation, applies official identification, or otherwise handles sheep or goats must insure animals are identified as required and shall retain the following records where applicable:

(1) Transfer of ownership, shipment, or handling of the sheep or goats, such as, yarding receipts, sale tickets, invoices and waybills for at least five (5) years after the person has sold or otherwise disposed of the sheep or goats to another person;

(2) Official documents used for transportation purposes, including Certificates of Veterinary Inspection and Interstate Livestock Entry Permit numbers for at least five (5) years after the animals entered California.

(3) Records of all identification marks or devices used to officially identify any animal moving intrastate and/or interstate, including the date animals were identified and the official identification number applied, must be maintained for at least five (5) years by the owner of the flock of origin or any person who applies the identification.

(b) The records shall be available for inspection and photocopying upon request by the Department or the USDA.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 760.9. Violations.

(a) Failure to comply with any part of this article constitutes a violation.

(b) The Department shall act consistent with existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes the following:

(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;

(2) Civil or administrative penalties;

(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy;

(4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.